

Remarks

A. Introduction

Claims 8-45 are pending in this application. With this amendment, Applicants have amended claims 8, 16, 19, 21, 34, and 41 in order to advance prosecution of the application. By this amendment, Applicant is not acquiescing in the Examiner's rejections but merely attempting to expedite prosecution.

B. Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's indication that claims 11, 30-33, 44, and 45 are allowable.

C. Claim Rejections under 35 U.S.C. §112

The Examiner rejected claim 19 under 35 U.S.C. §112 as being indefinite.

With this amendment, Applicants have amended claim 19 to remove the reference to the patient restraint board. Applicants respectfully submits that claim 19 is in condition for allowance.

D. Prior Art Rejections

The Examiner rejected claims 8, 9, 12-15, and 34-43 under 35 U.S.C. §102(b) as being anticipated by German Patent 1,041,210. ("German Patent"). The Examiner also rejected claims 8-10, 12-15, and 34-40 under 35 U.S.C. § 103(a) as being unpatentable over the German Patent in view of Japanese Patent Abstract 08-317953 ("Japanese Patent"). The rejected claims include independent claim 8, from which claims 9, 10, 12-15 depend, independent claim 34, from which claims 35-40 depend, and independent claim 41, from which claims 42-43 depend.

The German Patent and the Japanese Patent illustrate a two-wheel device. There is no teaching or suggestion in either reference to provide secondary wheels.

Neither the German Patent nor the Japanese Patent discloses, teaches or suggests the propulsion system of claim 8 which, as amended, recites "the propulsion device including a pair of drive wheels and a pair of secondary wheels."

For at least this reason, Applicants submits that the propulsion system as recited in independent claim 8 patentably defines the invention over the German Patent and the Japanese Patent. Accordingly, Applicant submits that independent claim 8 is in condition for allowance.

Claims 9, 10, and 12-15 depend from claim 8 and are patentably distinguishable over the German Patent and the Japanese Patent at least for the reasons given above in connection with

claim 8 and for the further limitations of claims 9, 10, and 12-15. Accordingly, Applicants submit that claims 9, 10, and 12-15 are in condition for allowance.

Similarly, Applicant submits that neither the German Patent nor the Japanese Patent discloses, teaches or suggests the propulsion system of claim 34 which, as amended, recites “a propulsion device to power movement of the patient support, the propulsion device including a plurality of drive wheels and at least one secondary wheel....” The German Patent and the Japanese Patent only disclose two-wheeled devices and do not teach or suggest the use of secondary wheels.

For at least this reason, Applicants submits that the propulsion system as recited in independent claim 34 patentably defines the invention over the German Patent and the Japanese Patent. Accordingly, Applicant submits that independent claim 34 is in condition for allowance.

Claims 35-40 depend from claim 34 and are patentably distinguishable over the German Patent and the Japanese Patent at least for the reasons given above in connection with claim 34 and for the further limitations of claims 35-40. Accordingly, Applicants submit that claims 35-40 are in condition for allowance.

Likewise, Applicant submits that neither the German Patent nor the Japanese Patent discloses, teaches or suggests the propulsion system of claim 41 which as amended recites “the propulsion device including a motor, at least one drive wheel coupled to the motor, and at least one secondary wheel.” Claims 42-43 depend from claim 41. Accordingly, Applicant submits that claims 41-43 are in condition for allowance.

The Examiner rejected claims 16-20 under 35 U.S.C. §102(b) as being anticipated by the Japanese Patent. The Japanese Patent relates to a DEVICE FOR TRANSPORTING BED. The Examiner refers to Figures 24-28 in rejecting claims 16-20. The rejected claims include independent claim 16 from which claims 17-20 depend.

Applicants submit that the Japanese Patent does not disclose, teach, or suggest the propulsion system of amended claim 16 which recites “the propulsion device including a pair of drive wheels and at least one secondary wheel.” The bed transporting device of the Figures 24-28 of the Japanese Patent only includes two wheels and does not teach the use of any secondary wheels.

For at least this reason, Applicants submits that the propulsion system as recited in independent claim 16 patentably defines the invention over the Japanese Patent. Accordingly, Applicant submits that independent claim 16 is in condition for allowance.

Claims 17-20 depend from claim 16 and are patentably distinguishable over the Japanese Patent at least for the reasons given above in connection with claim 16 and for the further limitations of claims 17-20. Accordingly, Applicants submit that claims 17-20 are in condition for allowance.

The Examiner rejected claims 21, 22, 26, and 29 under 35 U.S.C. §102(b) as being anticipated by the Japanese Patent. The rejected claims include independent claim 21 from which

claims 22, 26, and 29 depend.

Applicants submit that the Japanese Patent does not disclose, teach, or suggest the propulsion system of amended claim 21 which recites “a propulsion device . . . a coupler . . . and a handle configured to move the coupler between the coupled and uncoupled positions, the handle being substantially perpendicular to a longitudinal axis of the bedframe when the coupler is in the coupled position.” The bed transporting device of the Figures 24-28 of the Japanese Patent includes a handle that is not substantially perpendicular to the longitudinal axis of the bedframe.

For at least this reason, Applicants submits that the propulsion system as recited in independent claim 21 patentably defines the invention over the Japanese Patent. Accordingly, Applicant submits that independent claim 21 is in condition for allowance.

Claims 22, 26, and 29 depend from claim 21 and are patentably distinguishable over the Japanese Patent at least for the reasons given above in connection with claim 21 and for the further limitations of claims 22, 26, and 29. Accordingly, Applicants submit that claims 22, 26, and 29 are in condition for allowance.

D. Final Remarks

Claims 8-45 are believed to be in condition for allowance. Such allowance is respectfully requested.

If necessary, please consider this a Petition for Extension of Time to affect a timely response. Please charge any additional fees or credits to the account of Bose McKinney & Evans, LLP Deposit Account No. 02-3223. In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Respectfully submitted

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